

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

NICOLE PAYNE
PLAINTIFF,

v.

PROGRESSIVE FINANCIAL SERVICES,
INC.,
DEFENDANT.

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Cause No. 4:12-CV-00432

**DEFENDANT PROGRESSIVE FINANCIAL SERVICES, INC.'S EMERGENCY
MOTION TO EXTEND TIME TO ANSWER DISCOVERY**

COMES NOW, Progressive Financial Services, Inc., Defendant herein, through counsel of record, and files its Emergency Motion to Extend Time to Answer Discovery:

I.

FACTS

1. On September 27, 2012, Plaintiff served Interrogatories, Requests for Admissions and Requests for Production to Defendant. After adding the 3 days for mailing, Defendant's responses are due on October 30, 2012. In the early afternoon, Defendant became aware that its responses would not be completed in time. Defendant requested a two week extension from Plaintiff's counsel. See Attached Exhibit A. Plaintiff's counsel refused to give an extension. Defendant had not previously asked for an extension.

II.

ARGUMENT AND AUTHORITIES

2. The Texas Attorney's Creed encourages attorneys to grant extensions, Texas Attorney's Creed Section III, Rule 6. "I will agree to reasonable requests of extension and for waiver of procedure formalities provided legitimate objections of my client will not be adversely affected."

The Attorney's Creed has been adopted generally as the rules for the Federal Court practice. (*Dondi Properties Corp. v. Commerce Ser. And Loan Association*, 121 F.R.D. 284 (N.D. Tex. 1988)). However, the Northern District has specifically advised attorney practicing to comply with both *Dondi* and the Dallas Bar Association which encourage such extensions.

III.

CONCLUSION

3. Defendant has not requested any other extensions from Plaintiff. It is a reasonable request for a two week extension. Discovery has just begun and there is no harm to Plaintiff. Defendant asks that it be given a two week extension to answer and object to Plaintiff's discovery.

WHEREFORE, PREMISES CONSIDERED, Defendant, Progressive Financial Services, Inc., respectfully requests the Court to grant a two week extension.

Respectfully submitted,

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COUNSEL FOR DEFENDANT

CERTIFICATE OF CONFERENCE

Defendant reached out to Plaintiff's counsel by email. He refused the extension and refused to respond to Defendant's request for conference on the Motion. See attached Exhibit A.

/s/Robbie Malone

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded via ECF on this 30th day of October, 2012 to:

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